

ESTTA Tracking number: **ESTTA750541**

Filing date: **06/06/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91224201
Party	Defendant Elaine Ton
Correspondence Address	Elaine Ton 650 East 16th Street #C Los Angeles, CA 90015 UNITED STATES elaine@etoncie.com
Submission	Other Motions/Papers
Filer's Name	Paul P. Cheng
Filer's e-mail	litigation@paulchenglaw.com
Signature	/Paul P. Cheng/
Date	06/06/2016
Attachments	Motion To Withdraw As Attorneys Of Record.pdf(173534 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ETONIC HOLDINGS, LLC)	
)	Opposition No.: 91224201
Opposer)	
)	Mark: Etonic
ELAINE TON)	
)	Serial No.: 86513369
Applicant)	
)	

MOTION TO WITHDRAW AS ATTORNEYS OF RECORD

Paul P. Cheng of the Law Offices of Paul P. Cheng respectfully requests leave to withdraw his appearance on behalf of Defendant Elaine Ton. Defendant has expressly terminated our firm's representation of it in this case effective as of April 13, 2016. The client then filed a Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative on April 15, 2016, attached hereto as Exhibit "A".

Additionally, as of today's date, this office has confirmed that Attorney Ricky Shah has taken over the representation of Defendant, Elaine Ton.

Because Opposer's Counsel, Peter J. Vranum recently informed this office that this firm remains counsel of record; this motion is being filed.

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This motion is supported by the enclosed Declaration of Paul P. Chang.

Dated: June 6, 2016

THE LAW OFFICES OF PAUL P. CHENG

By 

Paul P. Cheng
Attorneys for Defendant
Elaine Ton

790 East Colorado Boulevard
Suite 260
Pasadena, CA 91101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ETONIC HOLDINGS, LLC)	
)	Opposition No.: 91224201
Opposer,)	
)	Mark: Etoncie
ELAINE TON)	
)	Serial No.: 86513369
Applicant)	
)	

DECLARATION OF PAUL P. CHENG

I, Paul P. Cheng, declare as follows:

1. I am the principal at the Law Offices of Paul P. Cheng. I make this Declaration based on my personal knowledge.
2. On April 13, 2016, Defendant terminated my firm's representation of it in this case effective as of April 13, 2016 and instructed me to withdraw. Then on April 15, 2016, the client filed a Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative; attached hereto as Exhibit "A".
3. Defendant retained my firm to defend it against claims that Applicant's mark ETONCIE AND DESIGN look almost identical and sound similar to Opponent's mark ETONIC.

4. My firm was retained in the matter after Applicant received the opposition of ETONIC.

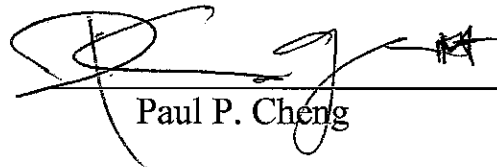
5. Recently, I have been advised by Opposer's counsel, Peter J. Vranum, that this office remains counsel of record in this case.

6. Additionally, as of today's date, this office has confirmed that Attorney Ricky Shah has taken over the representation of Defendant, Elaine Ton.

7. Given that our firm's representation of Defendant has been terminated, I am no longer authorized to act on its behalf.

8. In view of the above, I respectfully request that my firm's motion to withdraw as attorney of record be granted.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed on June 6, 2016, in Los Angeles, California.



Paul P. Cheng

EXHIBIT “A”

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 2196 (Rev 09/2005)

OMB No. 0651-0056 (Exp 09/30/2017)

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

Handwritten Signature

To the Commissioner for Trademarks:

MARK: ETONCIE (stylized and/or with design)

SERIAL NUMBER: 86513369

The original attorney

PAUL P CHENG

301 N LAKE AVE 8TH FL

PASADENA California 91101

US

626-356-8880

888-213-8196

vestrada@paulchenglaw.com

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above.

Original Correspondence Address :

PAUL P CHENG

LAW OFFICES OF PAUL P CHENG

301 N LAKE AVE 8TH FL

PASADENA California 91101

US

626-356-8880

888-213-8196

vestrada@paulchenglaw.com

By submission of this request, the undersigned hereby APPOINTS the following new domestic representative upon whom notices or process affecting the mark may be served:

Newly Appointed Representative:

Ricky Sharad Shah, Esq.

3200 E. Guasti Road, Suite 100

Ontario, CA 91761

(909) 278-7424

The following is to be used as the correspondence address:

Ricky Sharad Shah, Esq.
3200 E. Guasti Road, Suite 100
Ontario, CA 91761
vmevictor@gmail.com

**Revocation of Attorney/Domestic Representative and/or Appointment of
Attorney/Domestic Representative**

Handwritten Signature

Signature Section:

Signature: Elaine Ton

Date: 10/3/16

Signatory's Name: Elaine Ton

Signatory's Position: Owner

Signatory's Phone Number: 626-283-7792

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), include only the signature page (no declaration is required, nor should any other information from the actual revocation be included).

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State of California }
County of Los Angeles }

Date of Service: June 6, 2016

Parties Served: Ricky S. Shah
3200 E. Guasti Road
Suite 100
Ontario, CA 91761

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1 ____ (BY FACSIMILE) I caused such envelope to be faxed to the party listed above.

2
3 The fax number sent to is:

4 ____ (BY FEDERAL EXPRESS) I caused such envelope(s) to be delivered by air
5 courier, with next day service.

6 ____ (BY PERSONAL SERVICE) I delivered such envelope by hand to the office
7 of the addressee(s).

8 X (BY EMAIL OR ELECTRONIC TRANSMISSION) Based on a court
9 order or an agreement of the parties to accept service by email or electronic
10 transmission, I caused the documents to be sent to the person(s) at the email
11 address of: **Ricky@RickyShah.com**; **pyranum@gordonherlands.com**. I did not
12 receive, within a reasonable time after the transmission, any electronic message or
other indication that the transmission was unsuccessful.

13 X (STATE) I declare under penalty of perjury under the laws of the State of
14 California that the above is true and correct.

15 ____ (FEDERAL) I declare that I am employed in the office of a member of the
16 bar of this court, at whose direction the service was made.

17 Executed at Pasadena, California on June 6, 2016.

18 /s/

19 Dolores Larrabee
20 Litigation Paralegal
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